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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/601,082      | 06/20/2003  | Peter Moeller-Jensen | 01750.0001-US-01    | 6903             |

22865 7590 06/08/2004

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| EXAMINER |
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SOTOMAYOR, JOHN B

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| ART UNIT | PAPER NUMBER |
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3662

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/601,082

Applicant(s)

MOELLER-JENSEN, PETER

Examiner

John B. Sotomayor

Art Unit

3662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-101 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-101 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The Information Disclosure Statement filed November 17, 2003 has been entered and considered. An initialed copy of the PTO-1449 by the Examiner is attached.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art in view of the publication to Raizer et al.

Overall the claims are substantially met by Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art who disclose various system arrangements for a system which detects oil spills. Clearly the prior art as exemplified by Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art show variously mounted sensor

Art Unit: 3662

systems including fixed platform, airborne platform, and ship borne platform. The use of remote satellites to aid in the detection of oil spills is also clearly shown in the prior art (see specifically Baxter, Jr. ('679) or Schussler et al ('644)). The prior art as admitted by Applicant (see page 2 of specification) includes a stationary platform mounted (a bridge) oil spill sensor system. It is also admitted that the combination of a radar and a microwave radiometer to detect oil spills is well known. Thus it is unclear, given the breadth of the scope of the claims in the present application, exactly what Applicant considers to be his invention.

Raizer et al is applied to show specifically the use of radar and radiometer systems to detect oil spill. According to Raizer et al, the combination of the two systems will eventually permit estimation of the volume concentration of the oil spill.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the claimed combination of radar with radiometer sensors for the systems in Baxter, Jr. ('679) or Witte ('686) or Schussler et al ('644) or the publication to Zhifu et al or the admitted prior art as taught and as motivated by Raizer et al to provide a system for detecting oil spills from a variety of platforms, i.e. fixed (whether on-shore or off-shore), airborne, ship-borne, etc. The remaining claims are considered to be met by the references or are considered to be well known technical features. For example, LIDAR, IR, UV sensor systems, etc. are considered shown and well known in the art.

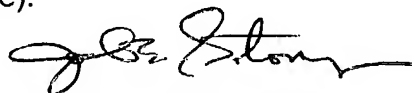
### ***Conclusion***

Art Unit: 3662

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited prior art show various radar systems.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Sotomayor whose telephone number is 703-306-4170. The examiner can normally be reached on Monday to Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom H. Tarcza, can be reached on 703-306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John B. Sotomayor  
Primary Examiner  
Art Unit 3662